## REMARKS

Claims 1-5, 7-13, and 15-22 are pending and stand rejected. Applicants respectfully request reconsideration and allowance of all pending claims in view of the following remarks.

### Rejections Under § 102

Claims 17-20 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2004/0240631 to Broman, et al. (*"Broman"*). Applicants respectfully traverse.

For a rejection under 35 U.S.C. § 102 to be proper, the reference being relied upon must disclose each and every element and limitation of the rejected claims. In this situation, *Broman* fails to disclose each and every element and limitation of Claims 17-20. For instance, Claim 17 recited, in part, *"identifying one of a plurality of accounts associated with the user voice signature identified as fraudulent. Broman* (Figs. 3-5) is relied upon to reject Claim 17. However, Figs. 3-5 of *Broman* are directed to a method by which a customer's voice is recorded and then processed to determine a match with stored voices. This processing is used to determine whether an operator should allow a transaction. For example, if the customer's recorded voice matches a stored voice then the transaction may be authorized. Optionally, if there is no match, then transaction may be denied. Moreover, even after *Broman's* comparison, the following action is to determine whether to allow a transaction. This is quite different from the post-comparison action recited in Claim 17, which includes *"identifying one of a plurality of accounts associated with the user voice signature identified as fraudulent."* Thus, in the method recited in Claim 17, an existing user account is identified as fraudulent based on the comparison. This is neither taught nor suggested by *Broman*. For at least these reasons, Claim 17 is patentable over *Broman*. For similar reasons, and based upon similar recitations, Claim 19 is also patentable over *Broman*.

Further, Claim 18 also recites, in part:

> establishing a user feature vector corresponding to the user voice signature, the user feature vector comprising a plurality of first values, each first value corresponding to a variable of a plurality of variables;

establishing a fraudulent feature vector corresponding to the fraudulent voice signature, the fraudulent feature vector comprising a plurality of second values, each second value corresponding to a variable of the plurality of variables, each second value corresponding to a first value; and

comparing each first value with the corresponding second value.

Paragraph 0044 of *Broman* is relied upon in rejecting Claim 18. Paragraph 0044 states, in its entirety:

In the real-time mode, server computer 14 compares the caller's voice print with the known voice prints in database 12 (step 76). For example, the comparison step 76 can include determining a match between the caller's voice print and one of the known voice prints based upon a probability, greater than a particular threshold, that the caller voice print and one of the known voice prints are from the same person. Therefore, the comparison seeks to determine whether the caller's voice print and any of the known voice prints are likely from the same person. Algorithms are known in the art for performing this type of comparison and can include, for example, statistical analysis between the voice prints. This comparison is typically performed sequentially between the caller's voice print and each of the known voice prints.

See *Broman*, para. 0044. Nowhere in this description are the particular recited techniques disclosed or suggested. There is simply no mention in *Broman* of the particulars of the comparison method recited in Claim 18. *Broman* merely says that a comparison may be performed, based on probabilities and using known algorithms. It is improper to equate this vague description with the recitations of Claim 18. For at least these reasons Claim 18 and Claim 20 (which recites elements and limitations similar to Claim 18) are patentable over *Broman*. Moreover, Claims 18 and 20 depend from patentable base Claims and, therefore, are themselves patentable.

## Rejections Under § 103(a)

Claims 1-5, 7-13, 15, 16, 21 and 22 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0152078 to Yuschik et al. ("*Yuschik*") in view of *Broman*. Applicants respectfully traverse.

At the outset it is respectfully noted that a prima facie case of obviousness over the asserted references does not exist due to a lack of proper motivation to combine the references. Regarding Claims 1-5, 8-13, 16, and 21, the only "motivation" pointed to in the pending Office Action is a notation that the various modifications "would have improved the system's reliability by minimizing fraud in telephonic transactions as suggested by *Broman* (see paragraph 0005)." Office Action, at 5. This same "motivation" is given for Claim 22. Office Action, at 9. Similarly, with respect to Claim 7, the "motivation" proffered is that the cited modification "would have improved the system's reliability by storing unauthorized voices in the event that the authorities need it as suggested by *Yuschik* (paragraph 0044). Office Action, at 6. This same "motivation" is given for Claim.

Applicants respectfully submit that pointing out a broad concept that may have commonality with respect to two patent references does not provided the required "motivation to combine" in order to make out a prima facie case of obviousness. Rather, there must be shown a motivation to combine the references in the manner suggested *to arrive at the claimed invention.* See, e.g., MPEP § 2143. In each of the rejections under 35 U.S.C. § 103, the required motivation is lacking. For example, with respect to Claim 1, it is admitted that *Yuschik* "fails to teach accessing a fraudulent voice signature file and identifying a user associated with the request voice signature in accordance with the fraudulent voice signature file." Office Action, at 4. It is argued that *Broman* supplies theses missing limitations. Even assuming that is correct (a point not conceded here), the only motivation provided for so modifying *Yuschik* is the aforementioned "would have improved the system's reliability by minimizing fraud in telephonic transactions as suggested by *Broman* (see paragraph 0005)." There is nothing, however, to suggest that anyone practicing *Yuschik* would have sought to look to another reference to improve system reliability by minimizing fraud or, more importantly, would have modified *Yuschik*, in the suggested manner, by looking to *Broman* in order to come up with the combination of elements and

limitations recited in Claim 1. There is simply no suggestion in either reference to modify *Yuschik* to add access to and comparison with fraudulent voice signatures in addition to comparison with authorized voice signatures.

Moreover, even if prima facie obviousness was established (which, it is not), the combined references still fail to collectively disclose or suggest all of the elements and limitations of the rejected Claims. For example, Claim 1 recites, in part, *"identifying a user associated with the request voice signature in accordance with the fraudulent voice signature file."* With respect to fraud prevention, *Broman* at most discusses (paragraph 0053) "if the caller's voice print matches any of the voice prints of persons known to have attempted to engage in fraudulent transactions..., the caller can be refused authorization to engage in any merchant, travel, or cardholder transactions." This does not teach identifying a user associated with the request voice signature. *Broman's* method simply refuses a transaction. The recited method, however, recites identifying a user associated with the request voice signature. Neither *Broman* nor *Yuschik*, either alone or in combination, discloses the step of identifying the user associated with the request voice signature. For at least these reasons, Claim 1 is patentable over the combination of *Yuschik* and *Broman*. Because Claims 2, 3 and 8 depend from Claim 1, they are similarly patentable. Claims 9, 10, 11, 16, and 21 are patentable for similar reasons.

Claims 4, 5, 12 and 13 recite details in the techniques of voice signature comparison that are simply not disclosed or suggested by either *Broman* or *Yuschik*. The rationale for this position is provide above in connection with the discussion regarding Claims 18 and 20. More specifically, none of the *Yuschik* paragraphs relied upon (0031-0034 and 0037) disclose or suggest establishing feature vectors (Claim 4), which may comprise a plurality of values (Claim 5). *Yuschik* merely discusses identifying one or more of a listed set of features -- not establishing a vector comprising a plurality of feature values. For at least these reasons, Claims 4, 5, 12 and 13 are patentable over the cited references.

With respect to Claims 7 and 15, the Examiner relies on Official Notice for the recited limitations. Applicants respectfully traverse and note that the recited limitations have not been shown to be common knowledge or well-known in the art, and are not capable of instant and unquestionable demonstration as being well-known. For instance, it certainly possible to

build a database of fraudulent voice signatures in a manner different from that recited in t Claim 7. A fraudulent voice signature file may be developed independently of (1) comparing a request voice signature with an authorized voice signature to determine unauthorized access; and then (2) comparing the request voice signature to a fraudulent voice signature file to determine whether to add the request voice signature file to the fraudulent voice signature file. Applicants respectfully request evidence of the elements and limitations recited in Claims 7 and 15.

With respect to Claim 22, Applicant respectfully traverses the rejection for the various reasons cited above including, without limitation: (1) the cited art does not disclose or suggest the elements and limitations regarding feature vectors; (2) the cited art does not disclose or suggest identifying a user associated with the request voice signature; and (3) the asserted Official Notice is improper.
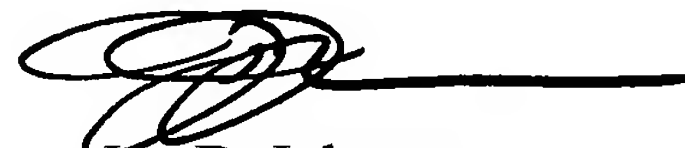
## CONCLUSION

For at least the foregoing reasons, Applicants respectfully request allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants hereby take an extension of time for responding to the Office Action dated January 11, 2006 for three months from April 11, 2006 to July 11, 2006. The Commissioner is hereby authorized to charge the three-month extension fee in the amount of $1,020.00 and any other fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: July 11, 2006

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